

REMARKS

The rejected claims have been amended to obviate the Examiner's objections under 35 U.S.C. §112, and also to clearly distinguish the claimed inventions from the prior art.

Claims 5 and 28 were indicated to be directed to allowable subject matter, subject to being rewritten in independent form including all intervening subject matter. Applicant has rewritten these claims as claims 37 and 38 respectively, and these claims are believed to be allowable as now presented.

Claim 16 was objected to with respect to improper antecedent basis for certain elements. The claim has now been amended to obviate these objections, and is believed to be allowable as now presented. The Examiner indicated also that claims 17-20, 23 and 24, which depend directly or indirectly from claim 16, would be allowable as well, subject to the correction of claim 16. Accordingly, it is believed that all of claims 16-20, 23 and 24 are allowable.

All of the remaining rejected claims depend either directly or indirectly from independent claims 1 or 25. These two claims have been amended to clarify the significant patentable distinctions over the prior art and are believed to be allowable as now presented. These claims were rejected on a combination of German patent DT 2,916,818 in view of British patent 1,256,484 or its German equivalent, DE 2,009,806, as well as German patent DE 2,456,791.

The basic concept sought to be patented in claims 1 and 25 is neither shown or in any way suggested in this prior art. The prior art documents show various forms of carts cooperating with inclined conveyors. The essence of applicant's amended claims 1 and 25, however, is not focused broadly on that concept, but rather on such systems including an anti-lift element extending between the cart and a retaining track and engaging downwardly facing surfaces of the retaining track for retaining vertical spacing between the retaining track and the end of the cart from which the anti-lift device extends. The Examiner acknowledges that German patent DT 2,916,818 and DE 2,456,791 do not show the arrangement of anti-lift element and retaining track. However, the Examiner relies upon British patent 1,256,484, and its German counterpart DE 2,009,806 as showing the features missing from the other references. It is submitted, however, that the Examiner is misreading these last-mentioned British and German patents. It is clear from Fig. 3 of the British patent that, in the up-going mode of the conveyor, the entraining fork 4.2 engages the pins 15 with a surface disposed substantially at right angles to the direction of travel. Exactly the same condition would exist in the down-going direction, which is reflected in the attached sketch showing a "down" arrow as the direction in which the conveyor chain would be disposed for a down-going escalator. In this respect, a down-going escalator would not simply be a clone of the up-going escalator with the conveyor chain operating in the reverse direction. Instead, a completely separate conveyor structure is involved, in which the cart would move front-first, with the front wheels following a more elevated track than the rear wheels. In the up-going

escalator, the front wheels travel a lower track than the back wheels. The intent in both cases is to maintain the cart at a more level angle than the escalator itself. The up-going and down-going configurations of the conveyor track are shown in Figs. 2 and 5 respectively of British patent 1,256,484.

The text at page 2, lines 87-97 of the British '484 patent does not suggest otherwise. In the attached sketch, with the cart being conveyed by a chain following the "down" arrow, the rear arm 4.22 of the entraining fork 4.2 would indeed rest upon the pin 15, but the engaging surface of the entraining fork would be approximately perpendicular to the line of travel of the conveyor chain, serving to hold back the cart rather than pull it, as with the up-going conveyor. This clearly in no way suggests the applicant's claimed structure of providing an anti-lift element. The entraining fork, with its active surfaces disposed substantially perpendicular to the travel of the conveyor chain, does not and cannot function as an anti-lift element.

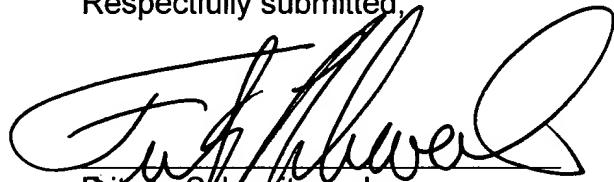
It is believed that the amendments to claims 1 and 25 clearly set forth the necessary structure to distinguish patentably over the references cited and, accordingly, it is believed that independent claims 1 and 25, in the form now presented, are clearly allowable.

Inasmuch as the applicant believes that the independent claims, as now presented herein, are allowable over the prior art, applicant has not responded

specifically to each and every rejection applied to specific features of the dependent claims. Nevertheless, the dependent claims are believed to be properly allowable along with the parent claims from which they depend.

In the absence of a discovery of more relevant prior art, it is believed that all of the claims now presented herein are allowable, and an action to that effect is requested.

Respectfully submitted,



Fritz L. Schweitzer, Jr.
Attorney for Applicant
Registration No. 17,402

Customer No. 022831

Schweitzer Cormnan Gross & Bondelli LLP
292 Madison Avenue – 19th Floor
New York NY 10017
Tel: 646-424-0770
Fax: 646-424-0880

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Response, Commissioner for Patents, P.O. Box 1450, Alexandria VA 2231k3-1450, on the date indicated below.

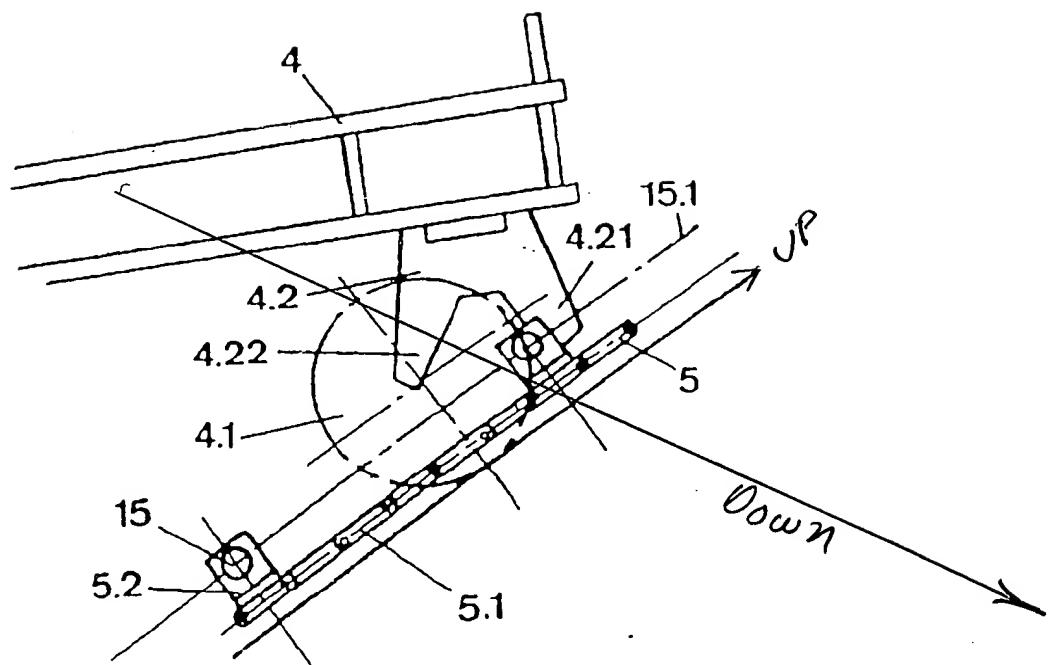
Date: November 5, 2003

Rosemarie Mannino
Rosemarie Mannino



#15

GB 1,256,484



GB 1,256,484